IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 9396 of 2007(R)

PETITIONER:

THE IDUKKI DISTRICT CO-OPERATIVE BANK EMPLOYEES CO-OPERATIVE SOCIETY LIMITED,NO.E-323, REP.BY ITS PRESIDENT, K.A.SUKUMARAN.

BY ADV. SRI.JOICE GEORGE

RESPONDENTS:

1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), IDUKKI, PAINAVU P.O., IDUKKI DISTRICT.

2. SENIOR CO-OPERATIVE INSPECTOR (CRB SECTION), OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), IDUKKI DISTRICT.

3. E.M.SUBHASH, MEMBER NO.139, EXECUTIVE OFFICER, IDUKKI DISTRICT CO-OPERATIVE BANK LIMITED, IDUKKU COLONY P.O, IDUKKI DISTRICT.

BY GOVT. PLEADER, SRI.P.N.SANTHOSH
BY ADV. SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: COPY OF THE ORDER DATED 30.01.2007 OF THE 1ST RESPONDENT JOINT REGISTRAR.

Ext.P2: COPY OF THE ORDER DATED 03.03.2007 ISSUED BY THE 1ST RESPONDENT JOINT REGISTRAR OF SOCIETIES.

Ext.P3: COPY OF THE RESOLUTION NO.170/06-07 DATED 04.03.2007 OF THE MANAGING COMMITTEE OF THE PETITIONER SOCIETY.

Ext.P4: COPY OF THE RESOLUTION NO.172/06-07 DATED 04.03.2007.

Ext.P5: COPY OF THE REQUEST DATED 12.03.2007 OF THE PETITIONER SOCIETY TO THE 1ST RESPONDENT JOINT REGISTRAR.

Ext.P6: COPY OF THE ORDER DATED 16.03.2007 OF THE 1ST RESPONDENT JOINT REGISTRAR OF CO-OPERATIVE SOCIETY.

Ext.P7: COPY OF THE LETTER DATED 16.03.2007 ISSUED BY THE 2ND RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

S.SIRI JAGAN, J.

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W.P.(C).No.9396 of 2007

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Dated this the 28th day of March, 2007

J U D G M E N T

The petitioner is a co-operative society. It is aggrieved by two actions of the 1st respondent. The first is rather an inaction in the matter of not appointing a returning officer in spite of a resolution passed by the managing committee of the petitioner society for conducting the election to the managing committee, since the term of the present committee expires on 20.6.2007, which has been forwarded to the 1st respondent with a request to appoint a returning officer. The second is against Ext.P6 order by which the first respondent has directed the petitioner to convene a special general body meeting of the society to consider a no confidence motion moved by some of the members of the society.

2. The learned Government Pleader submits

that the 1st respondent has not taken any decision on the resolution and the request forwarded by the petitioner society for conducting the election. He also submits that the direction in Ext.P6 order directing consideration of no confidence motion in the general body meeting to be convened may not be correct. But the petitioner is statutorily liable to convene a meeting when the 1st respondent directs him to do so as requested by the members of the society which is provided for in Section 30(4) of the Kerala Co-operative Societies Act.

3. I have considered the rival contentions in detail.

4. Now that Ext.P4 has been forwarded to the 1st respondent along with Ext.P5 request, the 1st respondent shall forward it to the Co-operative Election Commission and the Commission shall appoint an Arbitrator for the purpose of conducting the election as resolved by the managing committee in so far as the Government Pleader could not bring to my attention any objections to the

conducting of the election as requested for by the petitioner society. The petitioner shall also convene a general body meeting as directed in Ext.P6 as provided under Section 30(4) of the Act. However, the stipulation in Ext.P6 directing consideration of the no confidence motion shall not be binding on the general body and it would be upto to the general body to take appropriate decision as to what all things should be considered as agenda in the general body meeting. The 1st respondent shall inform the petitioner society as to the date on which the general body is to be convened, now that the date fixed in Ext.P6 is already over.

Writ petition is disposed of as above.

sdk+ S.SIRI JAGAN, JUDGE